

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is described and claimed and for which a patent is sought on the invention entitled:

PROCESS FOR MANUFACTURING PHARMACEUTICAL COMPOSITION  
COMPRISSES OF MYCOBACTERIUM W IN THE TREATMENT OF ASTHMA  
(OBSTRUCTIVE LUNG DISEASE)

the specification of which was filed on October 30, 2006 as Application No. 10/565,211.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein. I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigned more than twelve months prior to this application.

I acknowledge the duty to disclose all information known to me that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

no such foreign applications have been filed  
 such foreign application have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
247/MUM/2002	IN	March 13, 2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No _____
			<input type="checkbox"/> Yes <input type="checkbox"/> No _____
			<input type="checkbox"/> Yes <input type="checkbox"/> No _____

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing

## CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

no such U.S. provisional applications have been filed.

such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
		<input type="checkbox"/> Yes <input type="checkbox"/> No _____
		<input type="checkbox"/> Yes <input type="checkbox"/> No _____
		<input type="checkbox"/> Yes <input type="checkbox"/> No _____

## CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

no such U.S./PCT applications have been filed.

such U.S./PCT application have been filed as follows:

Application Number	Date of Filing	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the practitioners under Customer Number  
07278

jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

Please mail all correspondence to **Customer Number** 07278, whose address is:

**Darby & Darby P.C.**  
P.O. Box 770  
Church Street Station  
New York, New York 10008-0770

Full name of sole or first inventor <b>Rajiv Indravadan Modi</b>	
Sole or first inventor's signature <input checked="" type="checkbox"/> <i>R. Modi.</i>	Date <b>15-Feb-2008</b>
Residence <b>Ahmedabad, India</b>	
Citizenship <b>India</b>	
Mailing Address 13 Sanjeev Baug Society, New Sharda Mandir Road Ahmedabad-380007 INDIA	

Full name of second inventor, if any <b>Bakulesh Mafatlal Khamar</b>	
Second inventor's signature <input checked="" type="checkbox"/> <i>Khamar M. M.</i>	Date <b>14-Feb-2008</b>
Residence <b>Ahmedabad, India</b>	
Citizenship <b>India</b>	
Mailing Address 201 Ashadha, Vasundhara Colony Gulbai Tekra, Ahmedabad Gujarat-380006 INDIA	

Full name of third inventor, if any	
Third inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	